S.B.Civil Second Appeal No.70/87

Date of order: - 12.4.2006

HON'BLE MR. PRAKASH TATIA, J.

None present.

This second appeal against the judgment and decree dated 28.5.1987 was preferred on 8.7.1987. The appeal was admitted on 6.12.1991 but without framing any substantial question of law and it was ordered to place for final disposal. In this appeal, Bhola Ram s/o Gopi Ram is sole respondent. The present appeal was ordered to be listed along with S.B.Civil Second Appeals Nos.88/87, 89/87 and 69/87 by the order of this Court dated 15.9.1987. In connected S.B.Cvil Second Appeal No.89/87 same Bhola Ram was appellant.

The connected S.B.Civil Second Appeal No.89/87 in which Bhola Ram was appellant was dismissed by this Court on 16.5.2001 as his legal representatives were not brought on record after the death of sole appellant Bhola Ram. The present Second Appeal No.70/87 along with other appeals including S.B.Civil Second Appeal No.89/87 is listed in Court since last about two months regularly. No steps have been taken after the death of sole respondent Bhola Ram in the present appeal. No body appeared on behalf of the appellant.

Therefore, the appeal of the appellant deserves to be dismissed for non-prosecution as well as due to the abatement of appeal because of death of sole respondent Bhola Ram.

It will be worthwhile to mention here that even other connected second appeal No.69/87 has already been withdrawn as per the order dated 12.2.1997 passed in the said appeal.

Another S.B.Civil Second Appeal No.88/87 also was withdrawn in view of the compromise between the parties which is clear from the order dated 14.2.1997 passed in S.B.Civil Second Appeal No.88/1987.

Hence the appeal is dismissed for non-prosecution and as abated.

(PRAKASH TATIA),J.

mlt.